

## **PLANNING COMMISSION**

November 4, 2015

Action Report

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Yob, Abelite, Ballard, Bit-Badal, O'Halloran, Pham, and Yesney

ABSENT: None

### **SUMMARY OF HEARING PROCEDURES**

#### **1. PUBLIC COMMENT**

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*None*

#### **2. DEFERRALS AND REMOVALS FROM CALENDAR**

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- a. **PDC14-038.** Planned Development Rezoning from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District to allow four residential units (two attached units and two detached units) on an approximately 0.29 gross acre site, located at 1707 Ringwood Avenue (JWC Investments, Inc., Owner). Council District: 4. CEQA: Mitigated Negative Declaration to be adopted by City Council. ***PROJECT MANAGER, LEA SIMVOULAKIS***

**DEFERRED TO 12/2/15 PLANNING COMMISSION MEETING PER STAFF REQUEST (7-0-0)**

### 3. CONSENT CALENDAR

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- a. **C15-006.** Conventional Rezoning from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District on a 0.13 gross acre site, located on the west side of S. De Anza Boulevard, approximately 120 feet west of the intersection of S. De Anza Boulevard and Rainbow Drive. (Vigagold Inc, Owner). Council District 1. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, JOHN TU*
1. **RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA (7-0-0)**
  2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (7-0-0)**
- b. **C15-042.** Conventional Rezoning request to rezone four properties from the LI Light Industrial to the DC Downtown Primary Commercial Zoning District on an approximately 0.47 gross acre site, located on the northwest corner of West San Carlos Street and Delmas Avenue (267 and 279 Delmas Avenue and 405 West San Carlos Street) (San Carlos Parts LLC, Owner). Council District 3. CEQA: Addendum to the Envision San Jose 2040 General Plan Final Program EIR. *PROJECT MANAGER, ELIZABETH SCHULLER*
1. **RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM EIR IN ACCORDANCE WITH CEQA (7-0-0)**
  2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (7-0-0)**
- c. **CP15-003 (Administrative Hearing).** Conditional Use Permit to allow the installation of a 60-foot tall monopole, with an approximately 600-square foot enclosure for a stand-by generator, on a 1.3-gross acre site in the LI Light Industrial Zoning District, located at 545 Nipper Avenue (John and Jacqueline Kolander, Owners). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. *PROJECT MANAGER, JENNIFER PIOZET*
1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
  2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-048 (7-0-0); REVISED RESOLUTION TO MODIFY CONDITIONS 14 AND 15 REGARDING GENERATORS AND UTILITY STRUCTURES.**
- d. **CP15-041 (Administrative Hearing).** Conditional Use Permit to construct a wireless communication facility within a new approximately 50 foot tall church cupola and construction of an associated equipment enclosure at an existing church on an approximately 1.39 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the northwest corner of Cottle Avenue and Dry Creek Road (1901 Cottle Avenue) (Bayside Community Christian & Missionary, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. *PROJECT MANAGER, DAVID FONG*

#### **PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING**

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**

2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-049 (7-0-0); STAFF PROVIDED A SUPPLEMENTAL MEMO AND REVISED RESOLUTION TO MODIFY CONDITION 18 REGARDING GENERATORS, ADD CONDITION 20 REGARDING UTILITY STRUCTURES, AND DELETE CONDITION 15 REGARDING ANTI-GRAFITI BECAUSE IT IS REPETITIVE OF THE NEW CONDITION 20.D.**

- e. **CP15-044 (Administrative Hearing).** Conditional Use Permit to allow a 8,000-square foot Post-Secondary School for up to 25 students at an existing office building (IDT) on a 3.9 gross acre site in the IP Industrial Park Zoning District located on north corner of Piercy Road and Optical Court (6024 Silver Creek Valley Road) (Integrated Device Tech Inc., Owner). Council District: 2. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. *PROJECT MANAGER, LEA SIMVOULAKIS*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-050 (7-0-0)**

- f. **CP15-046 (Administrative Hearing).** Conditional Use Permit to allow 24-hour use at a 13,830-square foot Indoor Recreation Facility (Planet Fitness), within an existing shopping center, on a 13.6-gross acre site in the CN Neighborhood Commercial Zoning District, located at 1375 Blossom Hill Road (Pan Cal Princeton Plaza LLC David Chui, Owner). Council District: 9. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. *PROJECT MANAGER, JENNIFER PIOZET*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-051 (7-0-0); STAFF MADE MINOR REVISIONS TO THE RESOLUTION’S FORMATTING/WORDING WITH NO CHANGES TO ACTUAL CONTENT**

- g. **CP15-051.** Conditional Use Permit to allow a late-night use until 2:00 a.m. at a drinking establishment (for more than 250 people) on a 0.05-gross acre site, located at 65 Post Street (Joel Wyrick, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. *PROJECT MANAGER, JENNIFER PIOZET*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONDITIONAL USE PERMIT (7-0-0)**

- h. **CP15-060 (Administrative Hearing).** Conditional Use Permit to allow a brewery with an associated public eating and drinking establishment in an existing 10,200 square foot building on 0.24-gross acre site in the DC Downtown Primary Commercial Zoning District, located at 439 South 1<sup>st</sup> Street (Berg Richard P. Trustee & Et Al, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *PROJECT MANAGER, REBECCA BUSTOS*

**HEARD UNDER DEFERRAL CALENDAR; DROPPED TO BE RE-NOTICED TO 11/18/15 PLANNING COMMISSION MEETING PER STAFF**

- i. [CPA95-055-01 \(Administrative Hearing\)](#). Conditional Use Permit Amendment to allow the expansion of an approximately 1,353 square foot existing service station with incidental automotive service and repair, with the addition of an approximately 134 square foot storage room and two fuel dispensers on an approximately 0.15 gross acre site in the CP Pedestrian Commercial Zoning District, located at the northwest corner Moorpark Avenue and Gullo Avenue (5155 Moorpark Avenue). (GAWFCO Enterprises, Inc., Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(e) (1) for Existing Facilities. *PROJECT MANAGER, DAVID FONG*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-052 (7-0-0)**

#### **4. PUBLIC HEARING**

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- a. [PDC15-001 & PD15-004](#). Planned Development (PD) from A(PD) Planned Development Zoning District to CIC(PD) Planned Development Zoning District to allow up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District and ministorage uses, and Master Planned Development Permit to allow construction of up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial/Commercial Zoning District and ministorage uses for the existing Gordon Biersch site, the demolition of three existing industrial buildings totaling approximately 242,000 square feet, and the removal of seven ordinance sized trees, on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, L.P., Owner). Council District 3. CEQA: Mitigated Negative Declaration to be adopted by City Council. *Deferred from 10/21/15. PROJECT MANAGER, JENNIFER PIOZET*

#### **THIS ITEM 4.A. WAS HEARD TOGETHER WITH ITEM 6.A. ON THE GENERAL PLAN PUBLIC HEARING AGENDA**

1. **RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM IN ACCORDANCE WITH CEQA (5-1-0-1, BIT-BADAL OPPOSED; BALLARD ABSTAINED)**
2. **RECOMMENDED TO THE CITY COUNCIL THE DENIAL OF THE APPLICANT'S REQUEST FOR THE INCLUSION OF MINISTORAGE USES ON THE WESTERN PORTION OF THE SITE IN THE CONTINENTAL CAN COMPANY WAREHOUSE BUILDING FOR THE PLANNED DEVELOPMENT REZONING AND MASTER PLANNED DEVELOPMENT PERMIT. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF STAFF'S RECOMMENDATION FOR A PLANNED DEVELOPMENT REZONING AND MASTER PLANNED DEVELOPMENT PERMIT, EXCLUDING MINISTORAGE USES ON THE WESTERN PORTION OF THE SITE IN THE CONTINENTAL CAN COMPANY WAREHOUSE BUILDING (5-1-0-1, BIT-BADAL OPPOSED; BALLARD ABSTAINED)**

- b. **PD15-025 (Administrative Hearing).** Appeal of the Planning Director's decision to approve a Planned Development Permit to allow the installation of an 84-foot tall freeway sign with a total 488-square foot sign area, 237 square feet of which is programmable electronic sign, located in the Almaden Ranch Retail Center on a 44.3-gross acre site, in the A(PD) Planned Development Zoning District, located on the southeast corner of Almaden Expressway and Chynoweth Avenue (14540 Almaden Road) (Almaden Ranch LLC, Owner). Council District 9. CEQA: Addendum to the Almaden Ranch EIR, Resolution No. 76168. **PROJECT MANAGER, REBECCA BUSTOS**

**MOTION TO CONTINUE TO 12/2/15 PLANNING COMMISSION MEETING TO ALLOW STAFF ADDITIONAL TIME TO EVALUATE ALTERNATIVE ON-SITE FREEWAY SIGN LOCATIONS (7-0-0)**

- c. **PD15-029 (Administrative Hearing).** Appeal of the Planning Director's decision to deny a Planned Development Permit and Sign Variance to allow the installation of a 50-foot tall freeway sign with a total of 500-square foot sign area, with a portion that is a 230-square foot electronic programmable display, located in the Silver Oaks Retail Plaza on a 3.3 gross acre site, in the A(PD) Planned Development Zoning District, located on the southwest corner of Silver Creek Valley Place and Silver Creek Valley Road, approximately 450 feet easterly of the Highway 101 off-ramp at 5855 Silver Creek Valley Place (San Gabriel Interests, LP., Owner). Council District: 2. CEQA: Exemption per CEQA Guidelines Section 15270 for Projects Which Are Disapproved.

**PROJECT MANAGER, LEA SIMVOULAKIS**

- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
- 2. UPHELD THE PLANNING DIRECTOR'S DECISION AND DENIED A PLANNED DEVELOPMENT PERMIT AND SIGN VARIANCE – RESOLUTION NO. 15-053 (7-0-0)**

## **5. CONTINUE THE GENERAL PLAN AMENDMENTS HEARING**

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## **6. GENERAL PLAN PUBLIC HEARING**

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- a. **GP15-001.** General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and Combined Industrial/Commercial and a General Plan Text Amendment to the Jackson-Taylor Residential Strategy on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, L.P., Owner). Council District 3. CEQA: Mitigated Negative Declaration to be adopted by City Council. *Deferred from 10/21/15.* **PROJECT MANAGER, JENNIFER PIOZET**

**THIS ITEM WAS HEARD TOGETHER WITH ITEM 4.A.**

- 1. RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM IN ACCORDANCE WITH CEQA (5-1-0-1, BIT-BADAL OPPOSED; BALLARD ABSTAINED)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE DENIAL OF THE APPLICANT'S REQUEST FOR THE INCLUSION OF MINISTORAGE USES ON THE WESTERN PORTION OF THE SITE IN THE CONTINENTAL CAN COMPANY WAREHOUSE BUILDING FOR THE PLANNED DEVELOPMENT**

**REZONING AND MASTER PLANNED DEVELOPMENT PERMIT. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF STAFF'S RECOMMENDATION FOR A PLANNED DEVELOPMENT REZONING AND MASTER PLANNED DEVELOPMENT PERMIT, EXCLUDING MINISTORAGE USES ON THE WESTERN PORTION OF THE SITE IN THE CONTINENTAL CAN COMPANY WAREHOUSE BUILDING (5-1-0-1, BIT-BADAL OPPOSED; BALLARD ABSTAINED)**

- 3. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT TO THE JACKSON-TAYLOR RESIDENTIAL STRATEGY (5-1-0-1, BIT-BADAL OPPOSED; BALLARD ABSTAINED)**

- b. [GPT15-001](#). Director-initiated General Plan Text Amendment to increase Floor Area Ratio (FAR) from up to 15.0 FAR to up to 20.0 FAR for the Downtown Land Use Designation. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA. *Deferred from 10/21/15. PROJECT MANAGER, JARED HART*

- 1. DETERMINED THAT THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN EIR IS IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT (6-0-1, BALLARD ABSENT)**

- c. [GPT15-003](#). Director-initiated General Plan Text Amendment to allow the San Jose City Council to consider City initiated General Plan land use and/or text amendments up to four times a year. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA. *Deferred from 10/21/15. PROJECT MANAGER, JARED HART*

- 1. DETERMINED THAT THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN EIR IS IN ACCORDANCE WITH CEQA (5-1-1, YESNEY OPPOSED; BALLARD ABSENT)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT (5-1-1, YESNEY OPPOSED; BALLARD ABSENT)**

## **7. CONTINUE THE GENERAL PLAN AMENDMENTS HEARING TO DECEMBER 2, 2015**

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**(6-0-1, BALLARD ABSENT)**

## **8. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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*No Items*

## **9. GOOD AND WELFARE**

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- a. Report from City Council

*No Reports*

- b. Review and Approve Synopsis from [10-21-15](#)

*Synopsis Approved (5-0-1-1, Ballard Absent; Yob Abstained)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*None*

## **ADJOURNMENT**